



**COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING AND BUILDING  
STAFF REPORT**

**PLANNING COMMISSION**

2-1

"Making a Difference"

<b>MEETING DATE</b> April 28, 2005	<b>CONTACT/PHONE</b> Susan Callado 788-2714	<b>APPLICANT</b> Coker Ellsworth/Roy	<b>FILE NO.</b> S020296U/TR02-2536
<b>SUBJECT</b> This is a request by Coker Ellsworth for an exception to the standard improvement specifications and drawings for road conditions for Tract Map 2536 which was approved on January 22, 2004. The project is located on Cow Meadow Place on the east side of Highway 101, approximately 500 feet east of Ramada Drive in the community of Templeton, in the Salinas River planning area.			
<b>RECOMMENDED ACTION</b> 1. Deny the road exception request based on the findings listed in Exhibit A			
<b>ENVIRONMENTAL DETERMINATION</b> Rely on the previous Negative Declaration that was approved on January 22, 2004, in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq.			
<b>LAND USE CATEGORY</b> Commercial Retail	<b>COMBINING DESIGNATION</b> None	<b>ASSESSOR PARCEL NUMBER</b> 040-151-049/50	<b>SUPERVISOR DISTRICT(S)</b> ① ② ③ ④ ⑤ All
<b>PLANNING AREA STANDARDS:</b> None applicable			
<b>EXISTING USES:</b> Vacant			
<b>SURROUNDING LAND USE CATEGORIES AND USES:</b> <i>North:</i> Commercial Retail/Commercial <i>East:</i> Commercial Retail/Vacant <i>South:</i> Commercial Service/ Commercial <i>West:</i> Commercial Retail/Vacant			
<b>OTHER AGENCY / ADVISORY GROUP INVOLVEMENT:</b> The project was referred to: Public Works			
<b>TOPOGRAPHY:</b> Level to moderately sloping		<b>VEGETATION:</b> Oak trees and grasses	
<b>PROPOSED SERVICES:</b> Water supply: Community system Sewage Disposal: Community sewage disposal system Fire Protection: Templeton CSD		<b>ACCEPTANCE DATE:</b> December 12, 2004	
<b>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING &amp; BUILDING AT:</b> COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242			

2-2

### **PROJECT HISTORY**

The original Tract Map and Conditional Use Permit for this site was approved on January 22, 2005 by the Planning Commission. The approved project is a subdivision of an existing 10 acre parcel into 15 lots ranging in size from 9,890 to 33,000 square feet and one lot of 3.43 acres. A Conditional Use Permit is also approved for the construction of 15 commercial buildings ranging in size from 2,400 square feet to 6,000 square feet in size on the proposed lots.

### **ROAD EXCEPTION REQUEST**

This is a request for a road exception to the road improvement conditions for Tract Map 2536. The request is to eliminate the improvement requirements on Marquita Avenue fronting the property. Public Works does not recommend in favor of eliminating the improvement requirements on the Marquita Avenue frontage of the property. However, the Public Works Department has offered ideas as to how the road improvements may be broken up into phases so the applicant would not incur the cost of the road improvements all at one time. In addition, if the Planning Commission were to approve the request for a road exception, the map would need to go back through the environmental review process.

The tract condition that is in question is as follows (also see the attached conditions from the staff report for Tract Map 2536)

#### **Access and Improvements**

2. Prior to final map approval, the applicant shall make the following improvements:  
Roads and streets to be constructed to the following standards:
  - b. Cow Meadow Place and Marquita Avenue shall be widened to complete an A-2 Section fronting the property. The Marquita Avenue frontage shall be provided with a minimum of 24 feet of AC paving.

The applicant is requesting this condition be modified and has submitted a letter with the following reasons 1-4. The responses are from the Public Works Department:

1. The 15 lots shall be accessed by a cul-de-sac street fronting on Cow Meadow Place. No access will be taken from Marquita Avenue, now or in the future.

*Response: If this improvement is not required with the subdivision, it will be required (by Section 22.54.030 of the Land Use Ordinance) with the first building permit application on the lot which borders Marquita Avenue. As a general rule, we have found it to be more equitable to require improvements at the time of subdivision, especially if there is potential complexity to them, so that the cost may be spread over all the parcels created, rather than borne by a single lot buyer.*

2. Ultimately Marquita Avenue will function as a collector street accessing parcels to the east of Ramada Lane. The improvement for this street should be the responsibility of those future owners, which they will use for access to their properties.

*Response: It might be possible to have the basic road construction accomplished as a condition of development of other properties in the area. Land Use Ordinance Section 22.54.030 E (2) (c) requires that where there is no existing pavement, a developer shall*

2-3

*construct 24 feet of pavement and the curb, gutter and sidewalk (CGS) on their side fronting the site, and a minimum of 20 feet of pavement **with no CGS** from the site back to the nearest paved, publicly-maintained road. In other words, other properties east of this site might end up building a paved road along this property's frontage and out to Ramada Drive, but would not construct the CGS along this site. Or, the property across Marquita Avenue might develop, and construct CGS on its side, but would not be required to construct CGS on the frontage of this site.*

3. The section of Marquita Avenue between Ramada Drive and La Cruz is approximately 950 feet in length, and is split between three properties, Tract 2536 comprises the middle third of this length, approximately 325 lineal feet. The vertical alignment of Marquita dips steeply through this section to conform to the natural ground of adjacent property. A major drainage swale crosses near the center of the project frontage. Several mature oak trees line the existing traveled way. The condition of approval requires that the road be redesigned to provide a design speed of 35 miles per hour. The results of this improvement will necessitate that the roadway be raised to flatten out the road. Furthermore, the transition necessary to accomplish this new alignment will extend far into adjacent parcels. It is not possible for the owners to improve only the 325-foot frontage of Tract 2536.

*Response: The above statement makes reference to a design speed of 35 mph resulting in substantial fill being needed in order to bring the crossing of the drainage channel into conformance with our standards. The Public Works Department has indicated it may be possible to discuss and explore alternatives to this design requirement. See the attached response from Richard Marshall dated March 2, 2005.*

4. We believe that the orderly progression of development in the Marquita corridor will dictate when the roadway should be improved. We expect it is only a matter of time before a project will need Marquita for access. This would be the appropriate time to require the improvement.

*Response: There is another alternative available to the applicant, which has been discussed with applicant's agent, Mr. Roberts, in the past. If the applicant would like to move forward with the subdivision in the near future, without having to address the design issues on Marquita, he could file the Final Map in two or more phases. The lots near Marquita could be designated as a "remainder" on the first Final Map, and the improvements on Marquita could be deferred until further subdivision or development of those parcels.*

### **RECOMMENDATION AND FINDINGS**

The applicant's request for eliminating condition 2.b. would require an adjustment to Title 21 of the county code and County Engineering's standard specifications and drawings, because specific findings can not be made per Section 21.03.020 (d)(1-4), staff is recommending denial of the reconsideration request.

### **ATTACHMENTS**

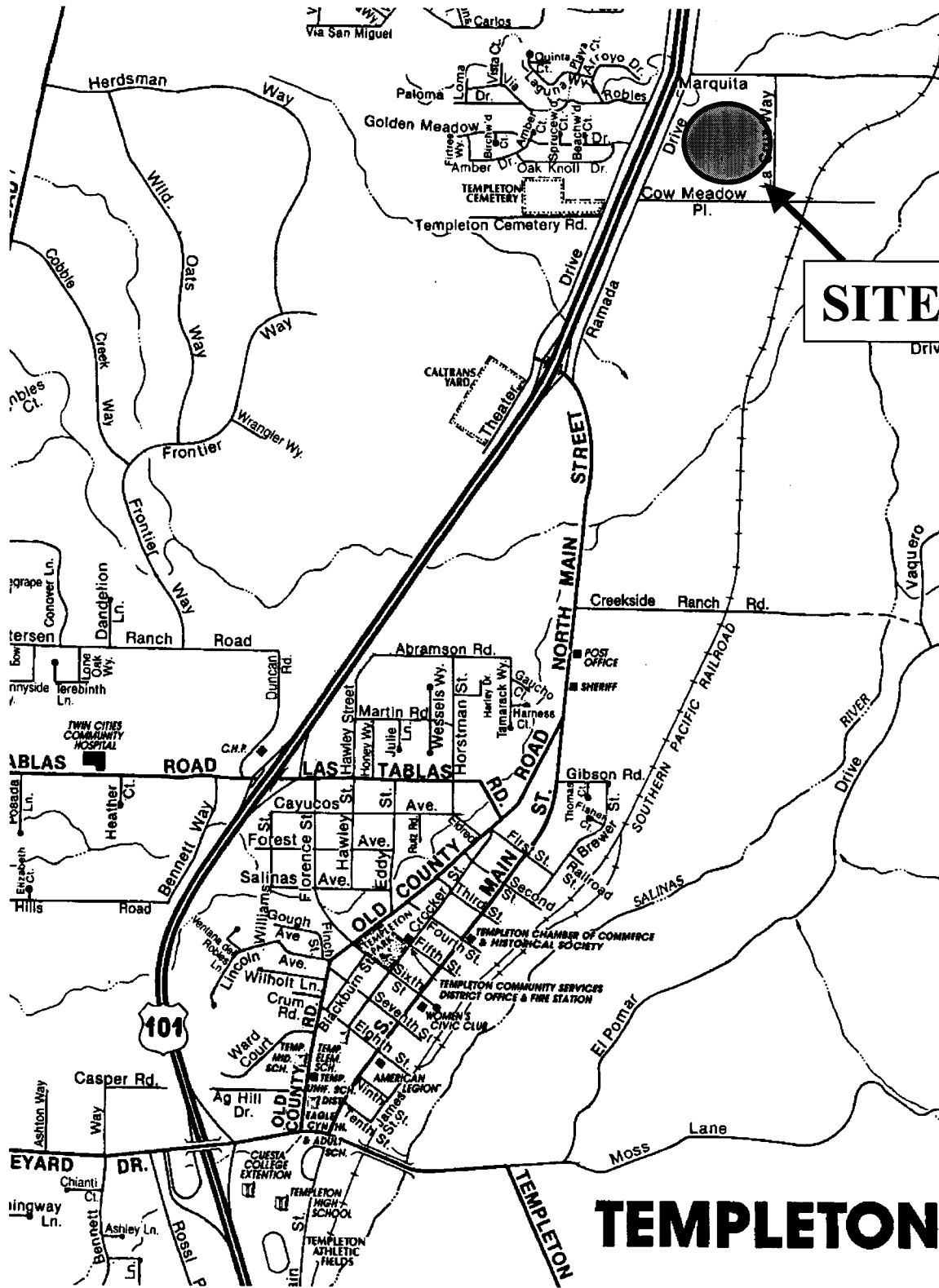
1. Letter from Tim Roberts Agent, November 3, 2004
2. Response letter from Richard Marshall, Public Works Department, March 2, 2005
3. Inter-office memo from Mikel Goodwin, Public Works Department, September 22, 2003
4. Conditions of Approval for Tract Map 2536

2-4

**EXHIBIT B**  
**FINDINGS FOR DENIAL OF ROY TITLE 21 ADJUSTMENT**

Findings for denial of the adjustment

- A. There are no special circumstances or conditions affecting the subdivision that create a need for the elimination of Tract Map condition 2.b., because while the site poses some challenging physical constraints, constructing Marquita Avenue is necessary for car and pedestrian access to the lots and eventual businesses in this area. Other development along Marquita Avenue have been subject to the standard county road improvement requirements.
- B. Granting the adjustment will be detrimental to the traffic circulation system, the public utility and storm drainage systems, vehicular and pedestrian safety because allowing the adjustment makes it more difficult to insure adequate maintenance of road and drainage systems, and makes it more difficult to address pedestrian safety issues now and in the future and sets a precedent for future developers to request waiver of road improvement requirements.
- C. The granting of the adjustment will be detrimental and degrade the improvement work involved in the subdivision, because, allowing the adjustment to the improvements on Marquita Avenue would leave an area along Marquita Avenue without proper drainage, pedestrian access, and the road improvement connection between lots to complete Marquita Avenue.
- D. The adjustment is not necessary for the preservation and enjoyment of a substantial property rights of the applicant because the applicant's ability to use and benefit from the property exists without the adjustment.



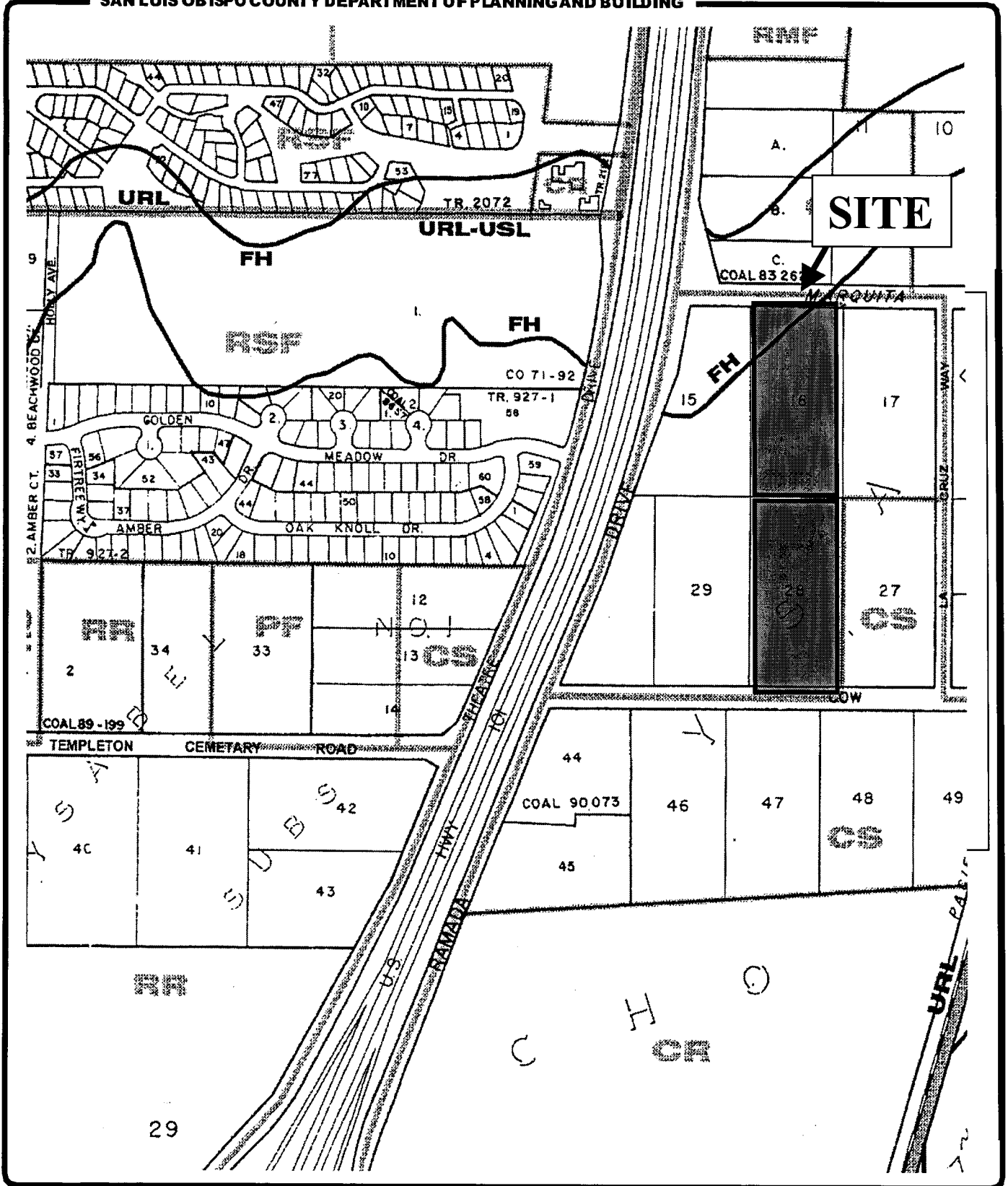
PROJECT  
Reconsideration of Tract 2536



EXHIBIT  
Vicinity Map

2-6

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING



PROJECT

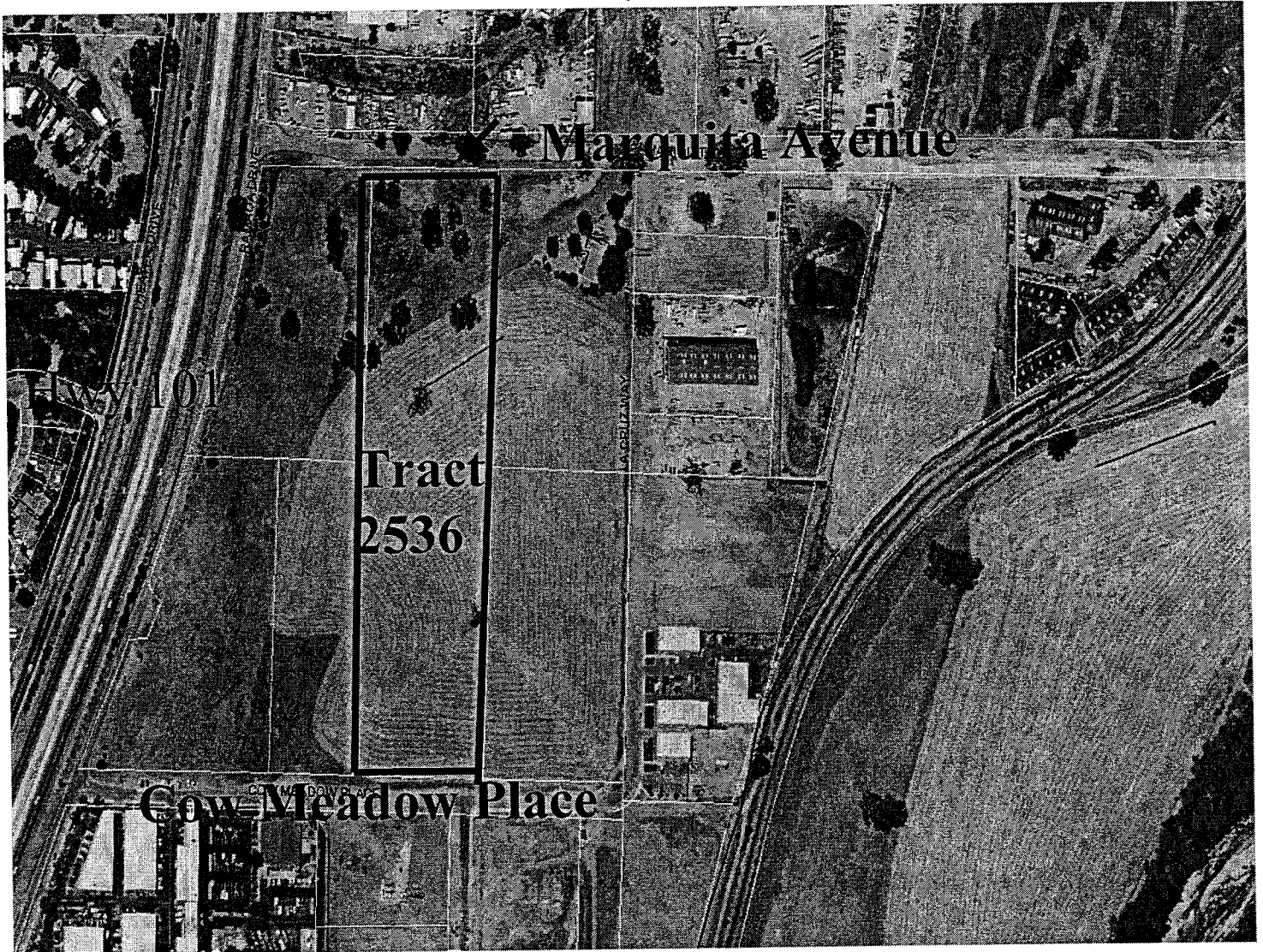
Reconsideration of Tract Map  
Ellsworth/Roy (2536)



EXHIBIT

Land Use Map

2-7



View of Site





2-9

Roberts Engineering Inc.  
2015 Vista de la Vina  
Templeton, CA. 93465  
805-239-0664 tel./ 238-6148 fax

November 3, 2004

Mr. Richard Marshall  
County of San Luis Obispo  
County Government Center  
San Luis Obispo, CA 93408

**Subject: Tract 2536 – Roy/Ellsworth**

Dear Mr. Marshall:

I am writing on behalf of my client Mr. Coker Ellsworth. We are requesting reconsideration of tract condition 2b.

The condition reads "Cow Meadow Place and Marquita Avenue shall be widened to complete an A-2 Section fronting the property. The Marquita Avenue frontage shall be provided with a minimum of 24 feet of AC paving."

We believe that this condition should be modified for the following reasons:

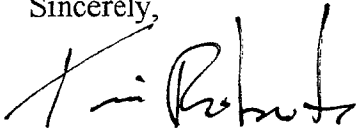
- 1 Tract 2536 consists of 15 lots accessed by a cul-de-sac street fronting on Cow Meadow. No access will be taken either now or in the future from Marquita.
- 2 Ultimately Marquita will function as a collector street accessing parcels to the east of Ramada Lane. The improvement for this street should be the responsibility of those future owners, which will use for access to their properties
- 3 The section of Marquita between Ramada and La Cruz is approximately 950 feet in length, and is split between three properties. Tract 2536 comprises the middle third of this length, approximately 325 lineal feet. The vertical alignment of Marquita dips steeply thorough this section to conform to the natural ground of the adjacent property. A major drainage swale crosses near the center of the project frontage. Several mature oak trees line the existing traveled way. The condition of approval requires that the road be redesigned to provide a design speed of 35 miles per hour. The results of this improvement will necessitate that the roadway be raised to flatten out the road. Furthermore, the transition necessary to accomplish this new alignment will extend far into the adjacent parcels. It is not possible for the owners to improve only the 325-foot frontage of Tract 2536.
- 4 We believe that the orderly progression of development in the Marquita corridor will dictate when the roadway should be improved. We expect athwart it is only a matter of time before a project will need Marquita for access. This would be the appropriate time to require the improvement.

2-10

In conclusion, we believe that condition 2b should be rewritten as follows "**Cow Meadow Place shall be widened to complete an A-2 Section fronting the property.** The owners request that the condition be modified to remove any required improvements to Marquita Road.

We would appreciate your review and positive consideration of this request. Please feel free to call should you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Tim Roberts". The signature is fluid and cursive, with a large initial "T" and "R".

Tim Roberts, PE



# SAN LUIS OBISPO COUNTY DEPARTMENT OF PUBLIC WORKS

*2-11*  
Noel King, Director

County Government Center, Room 207 • San Luis Obispo CA 93408 • (805) 781-5252

Fax (805) 781-1229

email address: [pwd@co.slo.ca.us](mailto:pwd@co.slo.ca.us)

March 2, 2005

## MEMORANDUM

TO: Susan Callado, Planning & Building

FROM: Richard Marshall, Development Services Engineer *RM*

SUBJECT: Request for Reconsideration of Tract 2536

Thank you for the opportunity to review the applicant's request for reconsideration of the conditions of approval of Tract 2536. The request appears quite similar to that which Mikel Goodwin responded to in September, 2003. Therefore, I have reached the same conclusion which he did, that the Public Works Department does not recommend in favor of eliminating the improvement requirement on the Marquita Avenue frontage of the property. In addition to the comments made by Mr. Goodwin (copy attached for your reference), I have the following additional concerns:

1. It might be possible to have the basic road construction accomplished as a condition of development of other properties in the area. Land Use Ordinance Section 22.54.030 E (2) (c) requires that where there is no existing pavement, a developer shall construct 24 feet of pavement and the curb, gutter and sidewalk (CGS) on their side fronting the site, and a minimum of 20 feet of pavement **with no CGS** from the site back to the nearest paved, publicly-maintained road. In other words, other properties east of this site might end up building a paved road along this property's frontage and out to Ramada Drive, but would not construct the CGS along this site. Or, the property across Marquita might develop, and construct CGS on its side, but would not be required to construct CGS on the frontage of this site.
2. I'd like to reiterate a point Mr. Goodwin made. If this improvement is not required with the subdivision, it will be required with the first building permit application which follows. As a general rule, we have found it to be more equitable to require improvements at the time of subdivision, especially if there is potential complexity to them, so that the cost may be spread over all the parcels created, rather than borne by a single lot buyer.

2-12

3. Mr. Roberts makes reference to a design speed of 35 mph resulting in substantial fill being needed in order to bring the crossing of the drainage channel into conformance with our standards. It might be possible to explore alternatives to this design requirement; I would be happy to discuss that with him further at any time.
4. There is another alternative available to the applicant, which I have discussed with Mr. Roberts in the past. If the applicant would like to move forward with the subdivision in the near future, without having to address the design issues on Marquita, he could file the Final Map in two or more phases. The lots near Marquita could be designated a "remainder" on the first Final Map, and the improvements on Marquita could be deferred until further subdivision or development of those parcels.

Please call me at 781-5280 if you have questions or need additional information.

Enclosure

c: Tim Roberts - Roberts Engineering

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2-13

## INTER-OFFICE MEMO

**TO:** Susan Callado, Department of Planning and Building  
**FROM:** Mikel Goodwin, Public Works Department  
**SUBJECT:** Tract 2536, Roy/Ellsworth/Roberts  
**DATE:** 22September2003

Thank you for the revised plans for this project on Cow Meadow Place in Templeton.

Public Works recommends that the requested exception to eliminate improvements on Marquita Ave. be denied. While the fact that this development will not use Marquita for access is a factor to bear in mind, it is not the only consideration when looking at road improvements.

The proposed project fronts on Marquita Ave, if they don't improve the frontage who will? The traveled way may be improved by neighboring properties but they are under no obligation to pave the shoulders nor to provide sidewalks.

The LUO 22.54.030 C. states "Curb, gutter and sidewalk improvements are to be constructed as required by this Section along the entire street frontage of the site, and also along the street frontage of any adjoining lots in the same ownership as the site." If the subdivider doesn't install the road improvements the first developer requesting a building permit will be required to do so. The letter goes on to say that the nearest development will be hundreds of feet from Marquita, I hope they will provide an attractive landscaped area here that will be an enhancement the entire community can take pleasure in rather than letting it go to weeds and creating a fire hazard.

Mr. Roberts' letter dated June 4<sup>th</sup> did not provide any of the findings required by Title 21 to approve an adjustment. Without those findings I don't see that staff has many choices other than denying the request.

I don't know what your comment was that prompted the response in paragraph 3, but I don't consider it realistic to assume anyone arriving at this site will do so by automobile. Bicycles are increasingly being used for primary transportation. As the area develops I believe it realistic to expect the bus routes to be changed to serve this area, maybe the north bound bus would travel Ramada Drive instead of Theatre Drive. We aren't just looking at the present day or the historical situation, but we need to see or anticipate the future as well as we can.

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**EXHIBIT D - CONDITIONS OF APPROVAL  
TRACT MAP TR02-2536 ROY/ELLSWORTH**

**Approved Project**

1. This approval authorizes the division of a 10 acre parcel into 15 lots ranging in size from 9,890 to 33,000 square foot lots and one lot of 3.43 acres and the construction of 15 commercial buildings ranging in size from 2,400 square feet to 6,000 square feet in size on the proposed lots.

**Access and Improvements**

2. Prior to final map approval, the applicant shall make the following improvements:  
Roads and streets to be constructed to the following standards:
  - a. On site street "A" Court constructed to an A-2 section within a 60 foot dedicated right-of-way.
  - b. Cow Meadow Place and Marquita Avenue shall be widened to complete an A-2 Section fronting the property. The Marquita Avenue frontage shall be provided with a minimum of 24 feet of AC paving.
3. The applicant offer for dedication to the public by certificate on the map or by separate document:
  - a. The 60 foot road easement as shown on the tentative parcel map with a 20 foot radius property line return at the intersection of the on site street with Cow Meadow Place.
  - b. The 60 foot road easement terminating in a county cul-de-sac as shown on the tentative map.
4. A private easement be reserved on the map for access to lot 8.
5. The applicant shall apply to the Department of Planning and Building for approval of new street names prior to the filing of the final parcel or tract map. Approved street names shall be shown on the final parcel or tract map and on the plans for street improvements.
6. All grading shall be done in accordance with Appendix 33 of the Uniform Building Code. All lot lines shall be considered as Site Area Boundaries with slopes setback accordingly.

**Improvement Plans**

7. Improvement plans shall be prepared in accordance with San Luis Obispo County Improvement Standards and Specifications by a Registered Civil Engineer and submitted to the Department of Public Works and the county Health Department for approval. The plan is to include:
  - a. Street plan and profile.
  - b. Drainage ditches, culverts, and other structures (if drainage calculations require).
  - c. Water plan (County Health).
  - d. Sewer plan (County Health).
  - e. Grading and erosion control plan for subdivision related improvement locations.
  - f. Public utility plan, showing all existing utilities and installation of all utilities to serve every lot.

3-11

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8. The applicant shall enter into an agreement with the county for the cost of checking the map, the improvement plans if any, and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.
9. The Registered Civil Engineer, upon completion of the improvements, must certify to the Department of Public Works that the improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the approved improvement plans. All public improvements shall be completed prior to occupancy of any new structure.
10. If environmental permits from the Army Corps of Engineers or the California Department of Fish and Game are required for any public improvements that are to be maintained by the County, the applicant or his engineer, prior to the approval of the plans by the Department of Public Works shall:
  - a. Submit a copy of all such permits to the Department of Public Works OR
  - b. Document that the regulatory agencies have determined that said permit is not longer required.

#### **Drainage**

11. Submit complete drainage calculations to the Department of Public Works for review and approval.
12. If calculations so indicate, drainage must be retained/detained in a drainage basin on the property. The design of the basin to be approved by the Department of Public Works, in accordance with county standards.
13. If a drainage basin is required, the drainage basin along with rights of ingress and egress be:
  - a. offered for dedication to the public by certificate on the map with an additional easement reserved in favor of the owners and assigns.
14. The project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and/or Phase II storm water program.
15. A stormwater pollution plan may be necessary from the Regional Water Quality Control Board. Provide evidence that it has been obtained or is unnecessary prior to filing the map.

#### **Soils Report**

16. Three (3) copies of a Preliminary Soils Report prepared by a Registered Civil Engineer in accordance with Sections 17953, 17954, 17955 of the California Health and Safety Code shall be submitted to the Public Works, Health and Planning and Building Departments prior to the filing of the final parcel or tract map. The date and person who prepared the report are to be noted on the map.

#### **Utilities**

17. Electric and telephone lines shall be installed underground.
18. Cable T.V. conduits shall be installed in the street.
19. Gas lines shall be installed.

3-12

2-16

**Additional Map Sheet**

20. The applicant shall prepare an additional map sheet to be approved by the county Department of Planning and Building and the Department of Public Works. The additional map sheet shall be recorded with the final parcel or tract map. The additional map sheet shall include the following:
- a. If a drainage basin is required, the owner(s) of lot 8 is responsible for on-going maintenance of drainage basin / adjacent landscaping in a viable condition on a continuing basis into perpetuity.
  - b. The limits of inundation from a 100 year storm over lot 8 from the local creek shall be shown on the additional map and note the required building restriction in the on the sheet.
  - c. If improvements are bonded for, all public improvements (roads, drainage, and utilities) shall be completed prior to occupancy of any new structure.

**Covenants, Conditions and Restrictions**

21. The developer shall submit proposed covenants, conditions, and restrictions for the subdivision to the county Department of Planning and Building for review and approval. The CC&R's shall provide at a minimum the following provisions:
- a. On-going maintenance of drainage basin / adjacent landscaping in a viable condition on a continuing basis into perpetuity.
  - b. Maintenance of all local streets within the subdivision until acceptance by a public agency.
  - c. The limits of inundation from a 100 year storm over lot 8 from the local creek shall be shown on an exhibit attached to the CC&R's and note the required building restriction in the in the CC&R's.

**Miscellaneous**

22. The subdivision is also subject to the standard conditions of approval for all subdivisions using community water and sewer, a copy of which is attached hereto and incorporated by reference herein as though set forth in full.
23. A storm-water pollution plan may be necessary from the Regional Water Quality Control Board. Provide evidence that it has been obtained or is unnecessary prior to filing the map.

**Air Quality**

24. **At the time of application for construction permits**, the applicant shall show, on the construction plans the requirements outlined in the Air Pollution Control District's letter dated March 19, 2003 and stated in the Developer's Statement regarding construction phase emission recommendations for construction and grading activities.

**Fire Protection**

25. The applicant shall comply with the fire safety plan approved by the Templeton Fire Department as specified in the letter from Templeton Fire Department dated March 11, 2003. **Prior to final map approval**, the applicant shall fulfill the requirements of the Templeton Fire Department for fire safety.

3-13

2-17

### **Parks and Recreation (Quimby) Fees**

26. For subdivisions of less than five parcels that are not to be used for residential purposes, if a building permit is requested for construction of a residential structure or structures on one or more of the parcels created by this subdivision within four years of recordation of the map, the Quimby Ordinance fee specified in the county fee schedule shall be paid by the owner of each parcel as a condition for the issuance of such permit.

### **Tree Protection**

27. **Prior to final inspection of the grading permit**, the applicant shall replace, in kind at a 2:1 ratio, all oak trees impacted as a result of the development of the project. Trees shall be from either vertical tubes or deep, one-gallon container sizes.
28. These newly planted trees shall be maintained until successfully established. This shall include caging from animals (e.g., deer, rodents), periodic weeding and adequate watering (e.g., drip-irrigation system). If possible, planting during the warmest, driest months (June through September) shall be avoided. In addition, standard planting procedures (e.g., planting tablets, initial deep watering) shall be used.
29. All trees or groups of trees to remain on-site that are within twenty feet of construction or grading activities shall be marked for protection (e.g., with flagging) and their root zone fenced prior to any grading. The outer edge of the tree root zone is 1-1/2 times the distance from the trunk to the dripline of the tree. Grading, utility trenching, compaction of soil, or placement of fill shall be avoided within these fenced areas. If grading in the root zone cannot be avoided, retaining walls shall be constructed to minimize cut and fill impacts. Care shall be taken to avoid surface roots within the top 18 inches of soil.
30. Oak trees provide an essential component of wildlife habitat and visual benefits. The applicant recognizes this and agrees to minimize trimming of the remaining oaks. If trimming is necessary, the applicant agrees to either use a skilled arborist or apply accepted arborist's techniques when removing limbs. Unless a hazardous or unsafe situation exists, trimming shall be done only during the winter for deciduous species. Smaller trees (6 inches diameter and smaller) within the project area are considered to be of high importance, and when possible, shall be given similar consideration as larger trees.

### **Geology and Erosion Control**

31. **Prior to issuance of the grading permit** or improvement plans, a sedimentation and erosion control plan shall be prepared (per County Land Use Ordinance (Inland), Sec. 22.52.090) and incorporated into the project to minimize sedimentation and erosion. The plan will need to be prepared by a registered civil engineer and address the following to minimize temporary and long-term sedimentation and erosion: slope surface stabilization, erosion and sedimentation control devices and final erosion control measures. Implementation of the previously-referenced sedimentation and erosion control plan will reduce potential sedimentation and erosion impacts to less than significant levels.
32. The Clean Water Act has established a regulatory system for the management of storm water discharges from construction, industrial and municipal sources. The California State Water Resources Control Board (SWRCB) has adopted a National Pollutant Discharge Elimination System (NPDES) Storm Water General Permit which requires the implementation of a StormWater Pollution Prevention Plan (SWPPP) for discharges regulated under the SWRCB program. Currently, construction sites of one acre and greater may need to prepare and implement a SWPPP which focuses on controlling storm water runoff. Municipal and industrial sources are also regulated under separate

3-14

2-18

NPDES general permits. The Regional Water Quality Control Board is the local extension of the SWRCB, who currently monitors these SWPPPs.

33. Future development on Lot 8 will be required to prepare a "flood hazard" drainage plan (per County Land Use Ordinance, Sec. 22.14.060) that will also be incorporated into the development to further minimize potential drainage impacts. This plan will also need to include adequate measures, such as constructing onsite retention and detention basins, or installing surface water flow dissipaters. The plan will need to show that there will not be any increase in floodwater elevations beyond that permitted by local and federal requirements.
34. **Prior to issuance of the grading or improvement plans**, the applicant shall identify the location of the bank of the creek. No development is to occur on or near the blue line creek that is located at the north end of the site on Lot 8. A 20 foot setback shall be maintained from creek bank and shall be shown on the site plan and construction plans.

Staff report prepared by Susan Callado, Development Review  
and reviewed by Warren Hoag, Principal Planner

3-15

2-19

STANDARD CONDITIONS OF APPROVAL FOR  
SUBDIVISIONS USING COMMUNITY WATER AND SEWER

1. Community water and fire protection shall be obtained from the community water system.
2. Operable water facilities from an approved community water source shall be assured prior to the filing of the final map. A "final will serve" letter shall be obtained and submitted to the county Health Department for review and approval stating there are operable water facilities immediately available for connection to the parcels created. Water main extensions, laterals to each parcel and related facilities (except well(s)) may be bonded for subject to the approval of county Public Works, the county Health Department and the public water utility.
3. No residential building permits are to be issued until the community (public) water system is operational with a domestic water supply permit issued by the county Health Officer.
4. In order to protect the public safety and prevent possible groundwater pollution, any abandoned wells on the property shall be destroyed in accordance with the San Luis Obispo County Well Ordinance Chapter 8.40, and county Health Department destruction standards. The applicant is required to obtain a permit from the county Health Department.
5. When a potentially operational or operational auxiliary water supply in the form of an existing well(s) is located on the parcels created and approved community water is proposed to serve the parcels, the community water supply shall be protected from real or potential cross-contamination by means of an approved cross-connection control device installed at the meter or property line service connection prior to occupancy. (Chapter 8.30, San Luis Obispo County Ordinance)
6. Sewer service shall be obtained from the community sewage disposal system.
7. Prior to the filing of the map a "final will serve" letter be obtained and submitted to the county Health for review and approval stating that community sewer system service is immediately available for connection to the parcels created. Sewer main extensions may be bonded for, subject to the approval of county Public Works and sewer district.
8. No residential building permits shall be issued until community sewers are operational and available for connection.
9. An encroachment permit shall be obtained from county Public Works for any work to be done within the county right-of-way.
10. An encroachment permit shall be obtained from the California Department of Transportation for any work to be done on the state highway.
11. Any existing reservoir or drainage swale on the property shall be delineated on the map.
12. Prior to submission of the map "checkprints" to county Public Works, the project shall be reviewed by all applicable public utility companies and a letter be obtained indicating required easements.

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13. Required public utility easements shall be shown on the map.
14. Approved street names shall be shown on the map.
15. The applicant shall comply with state, county and district laws/ordinances applicable to fire protection and consider increased fire risk to area by the subdivision of land proposed.
16. The developer submit a preliminary subdivision guarantee to county Public Works for review prior to the filing of the map.
17. Any private easements on the property shall be shown on the map with recording data.
18. All conditions of approval herein specified, unless otherwise noted, shall be complied with prior to the filing of the map.
19. After approval by the Review Authority, compliance with the preceding conditions will bring the proposed subdivision in conformance with the Subdivision Map Act and county ordinances.
20. A map shall be filed in accordance with Subdivision Map Act and county ordinance prior to sale, lease, or financing of the lots proposed by the subdivision.
21. A tentative map will expire 24 months from the effective date of the approval. Tentative maps may be extended. Written requests with appropriate fees must be submitted to the Planning Department prior to the expiration date. The expiration of tentative maps will terminate all proceedings on the matter.